

## MINUTES OF COUNCIL REGULAR MEETING – MARCH 9, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 9, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Nicole Cottle, CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Layne Morris, Community Preservation Director  
Jim Welch, Finance Director  
Richard Catten, City Attorney  
Kevin Astill, Parks and Recreation Director  
Anita Schwemmer, Acting Police Chief  
Chris Curtis, Community Preservation Department  
Karen Christensen, Community Preservation Department  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department

14850 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

14851 **SCOUTS**

Mayor Winder welcomed Scout Troop Nos. 1694, 598, 144 and 741 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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### 14852      **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 23, 2010**

The Council read and considered Minutes of the Regular Meeting held February 23, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held February 23, 2010, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

### 14853      **COMMENT PERIOD**

Upon inquiry by Mayor Winder, the following individuals addressed the City Council during the comment period:

John Bowers, 3792 S. Bannock Street, West Valley City, addressed the City Council. Mr. Bowers stated he thought there would be an open discussion regarding a proposed anti-discrimination ordinance relating to sexual orientation. He discussed fundamental right of property and choices an owner should be able to make regarding his own property. He discussed rights of a landlord or an employer to make a profit. He indicated the proposed ordinance would violate fundamental rights of property ownership and he gave reasons for his opinion. He also discussed an ordinance adopted by Salt Lake City and the impacts on employers and landlords. He stated this issue was not the same as race, color or religion, and was contrary to the values of most people.

Terri Mills, 5890 West 3500 South, West Valley City, addressed the City Council. Ms. Mills stated she was a resident and member of the Planning Commission and was speaking on behalf of neighbors who had called and asked for her help. She also stated property owners, including her, had been cited for fencing violations. She indicated the ordinance did not address the harsh impact of homes located on busy roads such as 3500 South. She showed photographs and cited examples of fences on properties that had received violation notices. Ms. Mills requested the City Council revisit the fencing ordinance and consider amending requirements

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for homes facing major arterials to allow a fence to exceed two feet to provide benefit of being a buffer to arterials such as 3500 South.

City Manager, Wayne Pyle, expressed appreciation for Planning Commission member Mills' comments regarding this issue. Mr. Pyle stated staff had also brought this issue to his attention and, therefore, he would not proceed regarding enforcement efforts of the cited properties pointing out that some fences pre-dated the current fencing ordinance. He also advised there were safety issues to consider but another review of the ordinance would be undertaken and brought back to the City Council for further consideration.

Myrna Chadwick, 5076 West 3500 South, West Valley City, addressed the City Council. Ms. Chadwick stated her property was zoned agricultural and she had been given a notice of violation for weeds in her backyard field. She expressed concern that officers could go into her backyard. She inquired what could be done about the "weed police." She also stated her property was quite large and she had lived there since the 1960's with no problems in the past.

City Manager, Wayne Pyle, suggested to Ms. Chadwick that she meet with the Community Preservation Director, Layne Morris, to discuss her problems further.

Noberto Castilo, 1206 West Red Rose Lane, representing the Utah Chilean Community, addressed the City Council. Mr. Castilo expressed gratitude and thanked the City Council for supporting the use of the Utah Cultural Celebration Center for a fundraising event in partnership with the Red Cross. He stated the event was scheduled for the following Saturday and would raise money for assistance of earthquake victims in Chile.

Nelson Altamirano (no address given) addressed the City Council. Mr. Altamirano stated he represented the Chilean Association of Utah, a partner with the Utah Chilean Community. He read aloud written information regarding the earthquake that recently occurred in Chile. He also discussed the devastation and loss of lives in that country. He expressed appreciation to the City Council and West Valley City for assistance and support regarding fundraising efforts for the victims of the disaster in Chile.

Maryann Fitzgerald (no address given) addressed the City Council. Ms. Fitzgerald stated she had called the City several times in the last several years and understood there was not an ordinance regarding properties that had gophers, moles or other such animals. She indicated the property next door to her home was a disaster with health issues and dangers to residents. She displayed photographs. She requested the City Council look into an ordinance to prevent and take care of this problem. She further advised that some of the animals had migrated to her yard and the situation had "gotten out of hand." She advised she

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took pride in her property and would like to see this problem resolved. She gave the photographs to the City Council with her contact information.

City Manager, Wayne Pyle, stated he would direct appropriate staff to contact Ms. Fitzgerald regarding this matter.

14854

### **PUBLIC HEARING, ACCEPT INPUT REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments and accept input regarding the Community Development Block Grant (CDBG) Statement of Community Development Objectives and Projected Use of Funds. He discussed proposed Resolution No. 10-29 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 10-29 which would approve the West Valley City Community Development Block Grant (CDBG) Budget proposal on recommended projects for fiscal year 2010-2011.

Mr. Pyle stated that before the U.S. Department of Housing and Urban Development (HUD) would approve any CDBG expenditures the City must approve an Annual Action Plan listing projects intended to be funded for the 2010-2011 fiscal year. He also stated a budget proposal had been prepared that met the funds awarded to the West Valley City Community Development Block Grant Program.

The City Manager reported the CDBG program and Salt Lake County HOME programs funded the City with annual amounts to run various programs pertaining to low-moderate income individuals and families. He indicated estimated CDBG Program Income (PI) generated from the Home Rehabilitation Program paybacks, would be approximately \$25,000 but that estimate might be high. He indicated PI offset the entitlement funds allocated to West Valley City CDBG program from HUD. He also stated PI from HOME funds, approximately \$15,000, had been returned to Salt Lake County to be reallocated to programs at a later date.

City Manager, Wayne Pyle, explained the public service projects and administration costs proposed were equal to the maximum levels allowed by HUD. He stated impact of the decreases in CDBG funding the last few years were felt most significantly in these two areas.

Mayor Winder opened the public hearing.

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John Gold, Big Brothers/Big Sisters of Utah, addressed the City Council. Mr. Gold stated he was a lifetime resident of West Valley City and desired to discuss programs provided by his organization. He advised that other participants from West Valley City also desired to address the Council. Jacob Madsen discussed his experiences with the organization stating he enjoyed his participation as a mentor and stated he was matched with a young man named Arby. Mr. Madsen stated funding was needed for programs and volunteers to provide opportunities for youth and mentors. Arby addressed the Council and discussed activities he participated in and the positive impact on his life. Mr. Gold requested consideration of funding in the amount of \$3,000.00.

Julie Adams Chatterley, Utah Food Bank, addressed the City Council. Ms. Chatterley discussed 211 information referral programs and how they provided contact information for community resources to low-income and other residents of West Valley City. She answered questions from members of the City Council regarding the number of City residents assisted through this service. She advised their funding request was in the amount of \$9,750.00.

Megan Maughan, The Road Home, addressed the City Council. Ms. Maughan stated they were the largest provider of shelter, services, and programs for the homeless in the State of Utah. She discussed the number of single men and women, and families with children who had been served, including those from West Valley City. She advised this year there was a tremendous increase in numbers of people served. She stated they had submitted two requests: 1) \$10,000.00 for public service support, and 2) \$20,000.00 for HVAC system replacement. Ms. Maughan answered questions from members of the City Council.

Diane Spencer, Family Support Center, addressed the City Council. Ms. Spencer discussed the three crisis nurseries they operated, including services provided. She indicated one of those facilities was located in West Valley City. She discussed statistics regarding the number of children cared for and hours of services provided at the West Valley nursery. She advised one request had been submitted for \$7,500.00 for counseling services and a second was for \$5,000.00 for the parent advocate program. Ms. Spencer discussed those programs and the services provided to parents of children in high risk homes. She also answered questions from members of the City Council.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

Councilmember Vincent pointed out the CDBG Committee had recommended a higher amount than had been requested for some of the applicants. Community

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Preservation Director, Layne Morris, explained the criteria used and the recommendation of the CDBG Committee.

Councilmember Burt recommended consideration be given to allocating funds to Big Brothers/Big Sisters as they provided a valuable service.

Upon request by the City Manager, Chris Curtis, Community Preservation Department, addressed the City Council and answered questions regarding reasons for CDBG Committee recommendations for funding of certain programs.

Upon further discussion, Councilmember Rushton thanked all those who had addressed the City Council and for the services provided to the community by those organizations. He also expressed appreciation to members of the CDBG Committee for their time and efforts in studying the requests and making recommendations to the City Council.

Councilmember Christensen stated it continued to be difficult to find funds for non-profit organizations and the Council wished there were more funds available for allocation.

Mayor Winder, on behalf of the City Council, thanked the CDBG Committee for their efforts and recommendations.

### **ACTION: CONSIDER RESOLUTION NO. 10-29, APPROVING WEST VALLEY CITY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET PROPOSAL ON RECOMMENDED PROJECTS FOR FISCAL YEAR 2010-2011**

The City Council previously held a public hearing regarding proposed Resolution No. 10-29 which would approve the West Valley City Community Development Block Grant (CDBG) budget proposal on recommended projects for fiscal year 2010-2011.

After discussion, Councilmember Burt moved to approve Resolution No. 10-29, a Resolution Approving the West Valley City Community Development Block Grant (CDBG) Budget Proposal on Recommended Projects for Fiscal Year 2010-2011, as recommended by the CDBG Committee. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes

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Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14855      **RESOLUTION NO. 10-36, APPROVE AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY (UTOPIA)**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-36 which would approve an Interlocal Cooperative Agreement with the Utah Telecommunication Open Infrastructure Agency (UTOPIA).

Mr. Pyle stated the proposed agreement would facilitate the City's participation in UTOPIA's attempts to resolve a dispute related to certain financial transactions undertaken by UTOPIA.

The City Manager reported West Valley City was a member of UTOPIA, a cooperative association of local governments formed to extend telecommunication infrastructure to its members. As a member of UTOPIA, the City had entered into pledge and loan agreements with UTOPIA. He indicated that in conducting its business, UTOPIA entered into certain financial transactions backed by the pledge and loan agreements of the City. He also reported some of those transactions had become the subject of a dispute and the proposed agreement would allow the City to support UTOPIA's efforts to settle that dispute.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-36, a Resolution Approving an Interlocal Cooperative Agreement with the Utah Telecommunication Open Infrastructure Agency (UTOPIA). Upon call by Mayor Winder, there was no second to the motion. The motion died for lack of second.

14856      **CONSENT AGENDA:**

A.      **RESOLUTION NO. 10-30, ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MAJESTIC LANDING, L.L.C., FOR PROPERTY LOCATED AT 3155 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-30 which would accept a Warranty Deed and Grant of Temporary Construction Easement from Majestic Landing, L.L.C., for property located at 3155 South 7200 West for the 7200 West Improvement Project.

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Mr. Pyle stated Majestic Landing, L.L.C. had signed the Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement project extending from SR-201 to 3500 South on both sides of 7200 West. He stated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the owner had agreed to sign the Warranty and Easement in exchange for a Delay Agreement release from the Public Works Department.

**B. RESOLUTION NO. 10-31, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DARRELL J. DAVIS AND CONNIE R. DAVIS FOR PROPERTY LOCATED AT 2557 SOUTH 7200 WEST, FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-31 which accept a Grant of Temporary Construction Easement from Darrell J. Davis and Connie R. Davis for property located at 2557 South 7200 West for the 7200 West Improvement Project.

Mr. Pyle stated Darrell J. Davis and Connie R. Davis had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also stated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the easement would allow the contractor to make necessary tie-ins to the owner's property. He stated compensation for the easement would be in the amount of \$200.00 which easement would automatically expire December 31, 2011.

**C. RESOLUTION NO. 10-32, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MARY A. NESTER FOR PROPERTY LOCATED AT 2545 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-32 which would accept a Grant of Temporary Construction Easement from Mary A. Nester for property located at 2545 South 7200 West for the 7200 West Improvement Project.



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Mr. Pyle stated Mary A. Nester had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He stated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the easement would allow the contractor to make necessary tie-ins to the owner's property. He further stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

**D. RESOLUTION NO. 10-33, RATIFY THE CITY MANAGER'S APPOINTMENT OF COREY RUSHTON AS CHAIR OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MARCH 9, 2010 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-33 which would ratify his appointment of Corey Rushton as Chair of the Audit Review Committee of West Valley City for the term March 9, 2010, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who served terms of three years with the chair being appointed annually by the City Manager. He also stated Mr. Rushton was currently a member of the committee.

**E. RESOLUTION NO. 10-34, RATIFY THE CITY MANAGER'S APPOINTMENT OF DON CHRISTENSEN AS MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MARCH 9, 2010 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-34 which would ratify his appointment of Don Christensen as member of the Audit Review Committee of West Valley City for the term March 9, 2010, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of five members who served terms of three years. He reported the committee was comprised of the City Manager, two members of the City Council, one appointed citizen, and a finance director from another community. He stated, if approved, Mr. Christensen would serve the unexpired term of former City Council member Joel Coleman.

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**F. RESOLUTION NO. 10-35, RATIFY THE CITY MANAGER'S APPOINTMENT OF JOEL COLEMAN AS MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MARCH 9, 2010 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-35 which would ratify his appointment of Joel Coleman as a member of the Audit Review Committee of West Valley City for the term March 9, 2010, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of five members who served terms of three years. He indicated the committee comprised the City Manager, two members of the City Council, one appointed citizen, and a finance director from another community. He further stated, if approved, Mr. Coleman would serve the unexpired term of Garth Goates, the citizen member.

After discussion, Councilmember Burt moved to approve Resolution Nos. 10-30, 10-31, 10-32, 10-33, 10-34 and 10-35 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 9, 2010, WAS ADJOURNED AT 7:23 P.M., BY MAYOR WINDER.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, March 9, 2010.

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Sheri McKendrick, MMC  
City Recorder